

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MONRELL DONOVAN MURPHY,
Plaintiff,
v.
D. FLORES,
Defendant.

No. 1:23-cv-00740-KES-BAM (PC)

ORDER DISMISSING ACTION WITHOUT
PREJUDICE FOR FAILURE TO PAY FILING
FEE

(Docs. 29, 30)

Plaintiff Monrell Donovan Murphy is a former state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983.

On March 6, 2024, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's in forma pauperis status be revoked pursuant to 28 U.S.C. § 1915(g) and that plaintiff be required to pay the filing fee in full to proceed with this action. Doc. 23. Plaintiff filed objections on March 22, 2024, and defendant replied to the objections on April 3, 2024. Doc. 28.

On January 7, 2025, the Court issued an order adopting the findings and recommendations in full and ordering plaintiff to pay the remainder of the \$402.00 filing fee in full within thirty (30) days. Doc. 29. On January 8, 2025, the Court issued a separate order amending the order adopting findings and recommendations, directing that plaintiff be refunded the \$120.20 paid towards the filing fee of this case, and directing plaintiff to pay the full filing fee of \$402.00 to

1 proceed with this action. Doc. 30. In those orders, plaintiff was warned that if he failed to pay
2 the filing fee within the specified time, this action would be dismissed for failure to pay the filing
3 fee. Docs. 29, 30. Plaintiff has not paid the filing fee, and the deadline for him to do so has
4 expired.¹

5 Without such payment, the action cannot proceed at this time.

6 Based on the foregoing, the Court ORDERS:

- 7 1. This action is dismissed, without prejudice, for plaintiff's failure to pay the filing fee; and
8 2. The Clerk of the Court is directed to terminate any pending motions and close this case.
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11 IT IS SO ORDERED.

12 Dated: March 25, 2025



UNITED STATES DISTRICT JUDGE

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25 ¹ The Court's January 7, 2025 order adopting findings and recommendations was returned as
26 "Undeliverable, Paroled, RTS, Attempted – Not Known, Unable to Forward," on January 21,
27 2025. The Court's January 8, 2025 order amending the order adopting findings and
28 recommendations was returned as "Undeliverable, Paroled," on January 22, 2025. Plaintiff's
notice of change of address was therefore due on or before February 24, 2025. Local Rule
183(b). Plaintiff has not filed a notice of change of address or otherwise communicated with the
Court.